REMARKS

Claims 1, 3–6, 8 and 10–21 are currently pending in this application. Applicants appreciate the thorough examination of the present application as evidenced by the Action mailed July 15, 2009. In response to the Action, Applicants submit the present amendment. Applicants respectfully request entry of the amendment presented herein and further consideration of the present application in view of this amendment and the remarks provided below.

Support for Claim Amendments

The amendments presented herein have been made to recite particular aspects of the invention so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

Claims 1, 3–6, 8 and 10–18 are amended to more particularly point out what Applicants regard as the invention and for clarity. Support for these amendments can be found throughout the specification, drawings and claims of the application as originally filed. The points raised by the Examiner are addressed hereinbelow in the order in which they are raised in the Action.

Claim Objections:

Claims 1 and 16 are objected to for informalities. Applicants amend the instant claims herein in the manner as suggested by the Examiner. In view of the foregoing, Applicants believe that the objections raised by the Examiner have been addressed. Nevertheless, should issues remain, Applicants respectfully solicit the Examiner for suggestions in order to address any matters that may remain.

Claim Rejections - 35 U.S.C. § 112:

Claims 1, 3–6, 8, 10–16 and 18–21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention.

Applicants amend the instant claims herein to more particularly point out what applicants regard as the invention, to provide appropriate antecedent basis for the noted recitations in the claims and to provide clarity in setting forth what Applicants regard as the invention.

Regarding the recitations noted by the Examiner as requiring clarification related to the fat content in the film and the collagen to fat ratio in the film, the first recitation is related to the fat content of the film, that has been reduced from that which is naturally present in a pig, and is a percentage of, on the dry weight basis, the weight of the film. In contrast, the second recitation is related to a ratio of total collagen weight relative to total fat weight. The ratio of the latter recitation is independent of the dry weight of the film. As such, Applicants believe that the instant recitations are not unclear. Nevertheless, Applicants amend claim 1 to more particularly point out that the fat content of the film is reduced to a percentage, on a dry weight basis of the film in order to clarify this point.

In view of the foregoing, Applicants believe that the instant claims as amended herein satisfy the requirements of 35 U.S.C. § 112, second paragraph, and respectfully request that the instant rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3–6, 8, 10–16 and 18–21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2005/0031741 ("Morgan et al.") in view of U.S. Patent No. 6,482,240 ("Eckmayer et al.").

The requirements for the establishment of a *prima facie* case for obviousness have been outlined in a previous paper. The disclosures of Morgan et al. qualify as prior art under 35 U.S.C. §102(e), and Applicants respectfully submit that Morgan et al. and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to Devro

PLC. As such, Applicants disqualify the disclosures of Morgan et al. under 35 U.S.C. § 103(c) as prior art in that Morgan et al. and the present application are commonly owned.

As has been submitted in a previous paper, Eckmayer et al. discuss collagen membranes (films) formed from porcine rinds (i.e., pig skins), particularly for wrapping food products (*see*, the abstract of Eckmayer et al.). However, Eckmayer et al. are silent in regard to preparing a collagen film that has a collagen content that consists essentially of sow collagen as instantly claimed. As one of skill in the art will appreciate, the term "sow" has a very precise meaning in the art and relates to "female pigs with milk secretion." As described on page 3 in the specification of the present application, it has been surprisingly found that using sow collagen provides improved strength to the collagen film that would not have been predicted from the disclosures in the prior art. The film of the invention and its improved characteristics are clearly shown in Table 1 on page 19 in the specification of the present application. These superior characteristics of a film prepared from sow collagen could not have been predicted from the disclosures of Eckmayer et al. without clearly applying hindsight in light of the present application.

Applicants thus submit that the disclosures of Eckmayer et al. do not teach all the elements of the instantly claimed invention, and do not provide the teaching, motivation and suggestion to one of skill in the art to arrive at the instantly claimed invention. In view of the foregoing, Applicants submit that the instant claims are directed toward non-obvious subject matter and respectfully request that the instant rejection be withdrawn.

CONCLUSION

Applicants believe that the points and concerns raised by the Examiner in the Action have been addressed in full, it is respectfully submitted that this application is in condition for allowance, which action is earnestly solicited. Should the Examiner have any remaining concerns, it is respectfully requested that the Examiner contact the undersigned Attorney at (919) 854-1400 to expedite the prosecution of this application to allowance.

A Petition for a three-month extension of time and Fee for Extension of Time are required with the filing of this paper. Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0220 in the amount of $1,110.00 as fee for the extension. Applicants believe this amount to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,

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CERTIFICATION OF TRANSMISSION
I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 14, 2010.

Cara L. Rose